MILE HIGH WETLAND BANK
PHASE II
PROSPECTUS DOCUMENT
Draft

Prepared for:
Interagency Review Team
c/o U.S. Army Corps of Engineers
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email 5/18/2010

willow areas dying off

I. INTRODUCTION

The following wetland bank prospectus information is submitted in accordance with the "Compensatory Mitigation for Losses of Aquatic Resources" as published in the April 10, 2008, Federal Register. It is intended that this prospectus be used as a reference document and attachment to a formal Wetland Banking Instrument (hereafter referred to as "Instrument") that will be developed. This document, as well as the Instrument, has or will be modified, approved, and administered by the Interagency Review Team (hereafter referred to as "IRT"), which includes representatives from the U.S. Army Corps of Engineers, Omaha District, Tri-Lakes Office, U.S. Environmental Protection Agency, Region VIII, Denver Headquarters, and U.S. Fish and Wildlife Service, Region 6, Denver Office.

This prospectus describes the establishment, use and operation of what is referred to as "Phase II" of the Mile High Wetland Bank, an existing Bank located in Adams County, Colorado.

Phase I of the Mile High Wetland Bank (hereafter "Bank") was authorized by interagency agreement in 1999 and constructed in 2000. Several phases of Bank implementation, including Phase II, were originally conceived and described in the 1999 prospectus. Due to regulatory modifications in the Section 404 mitigation program since that time, the IRT determined that a separate prospectus be developed specific to the Phase II work at the Bank.

The original and on-going purpose of the Bank is to create, enhance, and protect approximately 390 acres of high quality wetland. These wetlands can, in turn, be used as compensatory mitigation for impacts which result from activities authorized under Section 404 of the Clean Water Act that occur in the South Platte River drainage basin. Ultimately, the Bank efforts will contribute positively towards achievement of the Federal Wetland Program's "no net loss" goal.

The high-quality ecological characteristics of the wetland complex provide superior value and function as compensatory mitigation. In addition, the large scale of the project and its regional proximity to other natural resources of importance creates extended ecological value.

II. BACKGROUND AND DEMONSTRATED NEED

The Bank was originally established by an interagency agreement dated October 12, 1999, and has since been operated as an entrepreneurial enterprise by the Mile High Wetlands Group, LLC (hereafter referred to as "Bank Sponsor"). The 1999 Bank prospectus specified the creation, enhancement and protection of up to 390 acres of wetland within an approximate 600 acre area known as the Mile High Lakes.

A number of Bank implementation phases were identified in the 1999 prospectus. It was intended that the Bank be implemented in phases in order to meet, in advance, the market demand for mitigation credits.

Phase I was constructed in 2000. Achievement of all performance criteria was documented as of March 14, 2005, with a resulting 30.3 acres of verified credits. Nearly all of the Phase I credits have been sold or committed to date, resulting in an approximate 3 acre demand per year over an operational period of ten years.

The Bank Sponsor has assumed that demand for credits will roughly approximate the historic demand. Thus Phase II is being proposed to supply the continuing demand for credits in the region.

III. BANK LOCATION AND PHASE II SERVICE AREA

A. Location

The Bank site is positioned within the Beebe Draw drainage basin (Figure 1) which originates at Barr Lake and flows north toward the South Platte River near Greeley. The southern edge of the Bank site begins roughly one mile downstream from the outlet of Barr Lake. The Beebe Draw flows northerly through the Bank site. The entire site is roughly two miles long and on average one-half mile wide. Size of the area approximates 600 acres.

The Bank is located in Adams County and occupies portions of Sections 1 and 12, Township 1 South, Range 66 West, and Section 6 Township 1 South, and Range 65 West (Figure 2). Elevations in the area range from approximately 5,045 to 5,000 feet above mean sea level. Latitude is North 39 degrees 59 minutes and longitude is West 104 degrees 43 minutes 30 seconds.

Phase I is located roughly in the middle of the Bank site, north of 168th Avenue and east of Beebe Draw. Phase II is essentially an expansion of the Phase I area along its north, west, and southern extent (Figure 3).

B. Watershed Considerations

The Beebe Draw watershed originates at Barr Lake and flows north into and through Milton Reservoir, and further north through irrigated lands toward Fort Morgan. The Beebe Draw is situated in the historic course of the South Platte River from some time in the geologic past, as evidenced by its several hundred foot deep alluvial aquifer full of fluvial transported materials. As of present, the Beebe Draw has been modified to convey irrigation water diverted from the South Platte River at the Burlington Canal headgate, through Barr Lake, and north to Milton Reservoir and the irrigated lands that lie downstream.

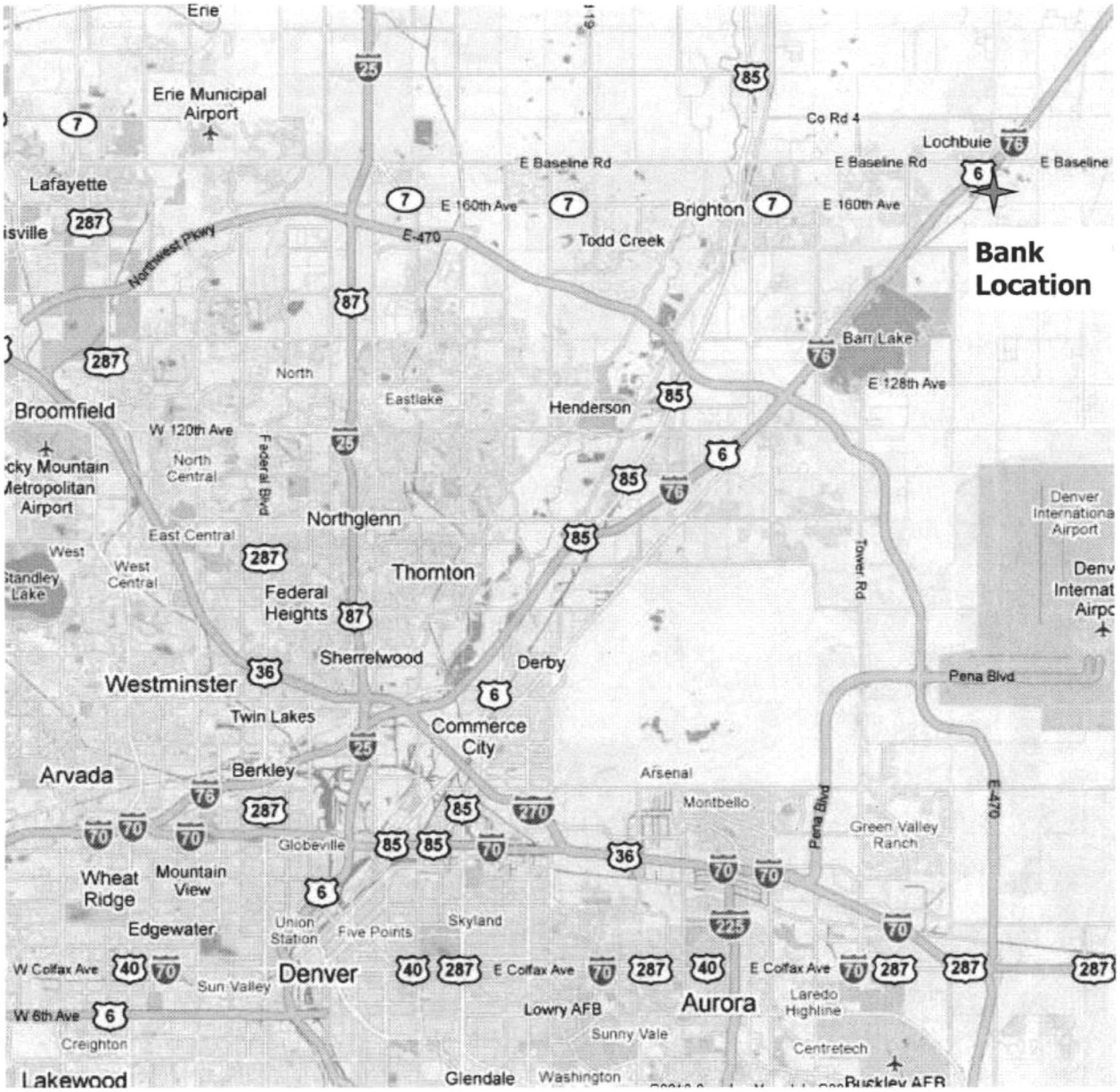

Figure 1: Location of Mile High Wetland Bank.

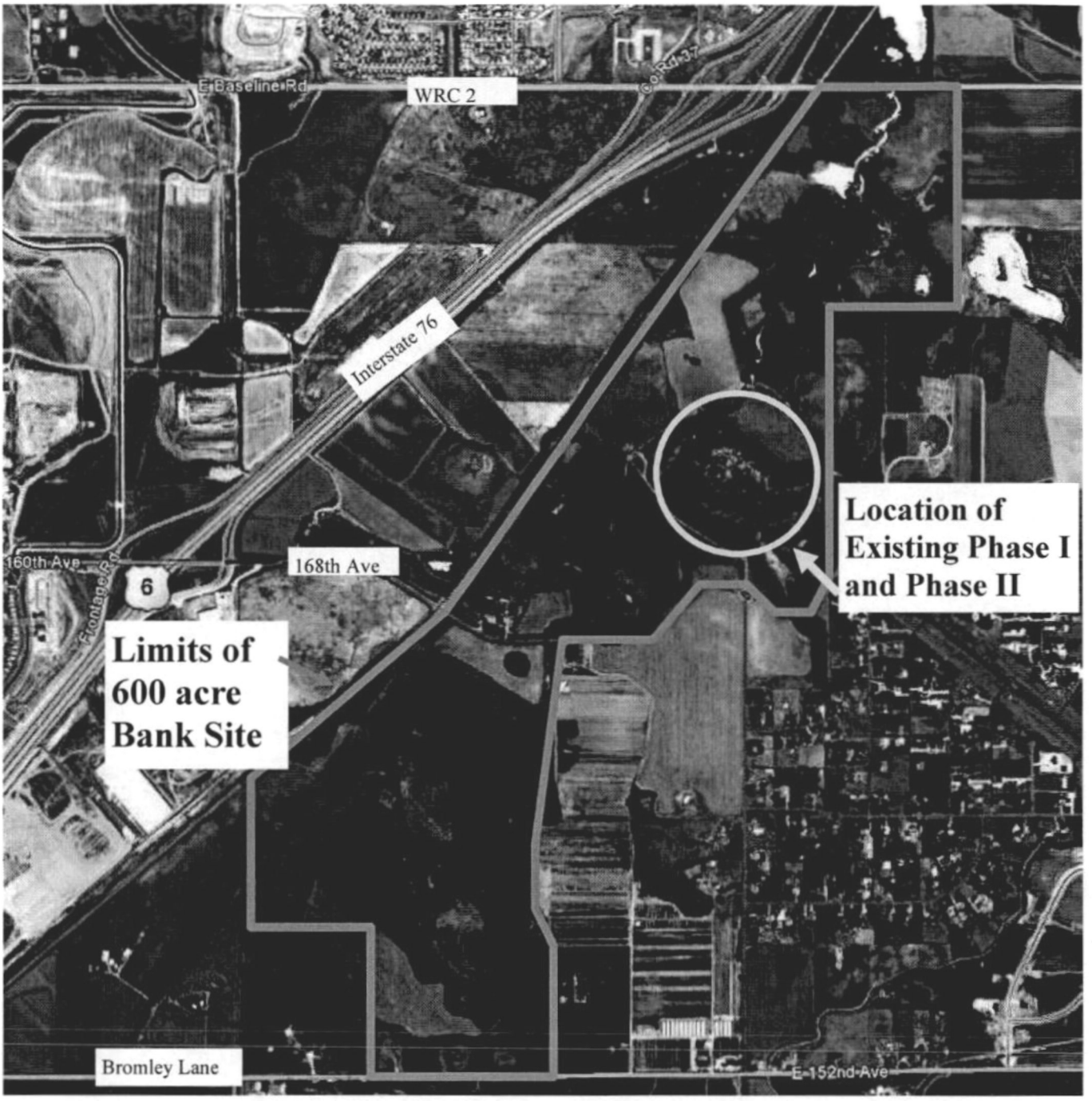

Figure 2: Extent of 600 acre Mile High Wetland Bank site and approximate location of the existing Phase I and proposed Phase II areas.

Existing Wetland

Proposed Wetland Areas

Proposed Grading

x5017.5 *Proposed Spot Elev.*

Area 1= 1.53 Acres

Area 2 = 9.10 Acres
40,080 CYDS (Cut)

Area 3 = 10.20 Acres
73,766 CYDS (Cut)

Preliminary Concept Plan
May 6, 2010

Mile High Wetland Bank
Proposed Phase II Expansion

Mile High Wetland Group, LLC
80 South 27th Avenue
Brighton, CO 80601
303-777-0188

Figure 3: Phase II preliminary concept plan.

Both Barr Lake and Milton Reservoir are included on Colorado's Regulation 93 - Section 303(d) List of Water-Quality-Limited Segments Requiring TMDLS (5 CCR 1002-93). A depiction of the defined watershed for the TMDL is illustrated in Figure 4. Both reservoirs have been listed since 2002 for pH impairment to recreational, aquatic life and drinking water uses. (Both reservoirs were also listed in the 2010 303(d) listing cycle for impairments due to ammonia and dissolved oxygen). The pH exceedences have been linked to excessive nutrient loading in their contributing watersheds. The draft pH TMDL (March 2010) currently calls for a 90% to 95% reduction in all sources of phosphorus, including both permitted point and unpermitted nonpoint sources, in order to meet the existing pH standard. The state and affected stakeholders are working aggressively to develop an implementation plan that identifies how and when each source of phosphorus will be controlled.

Wetlands are identified in the "Barr Lake and Milton Reservoir Watershed Management Plan" (2008, BMW Association, at www.barr-milton.org) as a particular regional nutrient treatment strategy for the watershed. Specific reference is made to developing wetlands in the Beebe Draw, as well as in other key locations within the defined watershed area.

C. Service Area

The Bank's principle service area is defined as that area that occurs within the intersection of the High Plains Region as depicted in the "Level III Ecoregions of the Continental U.S." map produced by the U.S. EPA (revised March 2007) and the 8-digit Hydrologic Units Code (HUC) system as defined by the U.S. Geological Hydrologic Units. Specific HUCs include #10190003 (Middle South Platte/Cherry Creek) and #10190002 (Upper South Platte) (Figure X – forthcoming).

Included in the service area are portions of: Weld County (southern), Adams County (western), Arapahoe County, Denver County, and small portions of Douglas, Morgan, Jefferson, and Elbert counties. Any wetland impacts which occur within the described service area, subject to U. S. Army Corps of Engineers (hereafter referred to as "Corps") approval, will be eligible for credit withdrawal from the Bank.

Secondary service areas are proposed to include all tributary hydrologic units to the Middle South Platte/Cherry Creek basin. At the Corps' discretion, wetland impacts which occur outside of the primary service area, but within the secondary area, will be eligible for credit withdrawal.

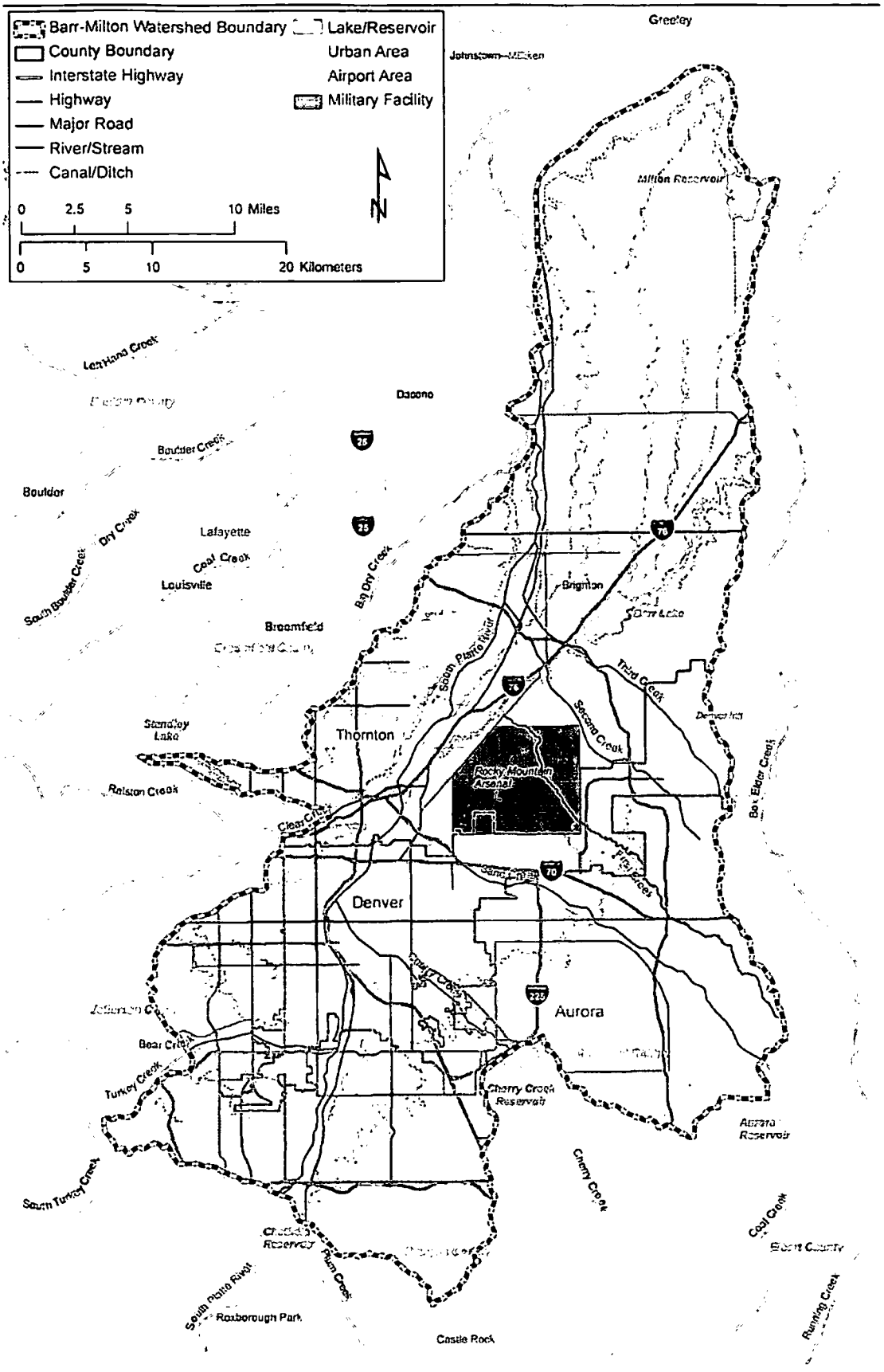

Figure 3: Barr Lake and Milton Reservoir watershed map (from 2008 Watershed Plan, BMW Association, www.barr-milton.org).

IV. PHASE II DEVELOPMENT PLAN

A. Goals and Objectives

Goals and objectives for Phase II are consistent with those originally established for the overall Bank, as follows:

1) **To create and enhance a sufficient acreage of wetland to meet the expected demand for credits within the defined service area.** The site was selected because it has the available resources from which to create approximately 170 acres of wetland from upland and to enhance approximately 220 acres of existing wetland. Construction of improvements (i.e., wetland creation and enhancement) are being phased in accordance with market demand.

2) **To create and enhance wetland types appropriate to the ecoregion and that generally match the wetland types that are being impacted within the service area.** A mixture of wetland types were created in the first phase of improvements. Trends in demand for various wetland types will be tracked with time and this information will be used to refine plans for subsequent phases of improvements.

3) **To utilize water as delivered in the Beebe Canal to create a self-sustaining hydrologic support system for the created and enhanced wetlands.** Improvements were constructed in the Beebe Canal to raise and stabilize the existing groundwater table and to create a permanent diversion point for surface water flows. Improvements were designed to allow for flexibility in water regulation (i.e., the ability to raise and lower the water surface elevations) during the wetland establishment period, while adjusting the structures to fixed, permanent settings that requires no subsequent human intervention.

4) **To utilize the banked wetlands to the greatest extent possible towards making a positive ecological contribution to the larger South Platte River watershed.** Efforts are being made to integrate the Bank project with other natural resource activities in the watershed through coordination with environmentally active entities. The existing Bank has been identified as an area of interest in the Barr Lake and Milton Reservoir Watershed Management Plan (BMW, 2008). The Plan calls for the consideration of additional wetland development in the Beebe Draw for water quality improvement purposes. Water quality will continue to be considered in the design of the created wetlands such that source waters can be improved, as reasonable.

B. Existing Conditions

The Beebe Draw is fed by perennial flows that originate at Barr Lake and flow northward. This perennial flow has created a complex of wetland types that occur in scattered locations along the Draw north to Milton Reservoir. Several of these existing wetland areas are found within the Bank site.

The groundwater table at the Bank is relatively high, either at or within several feet of the ground surface throughout most of the site. Groundwater fluctuations are minor given the substantial baseflow in the Draw throughout the year. Several small springs and seeps are evident, and are likely to be hydrologically connected to the localized groundwater table. Surface water diversions from the Draw feed a few of the larger wetland areas, and have historically been operated by a duck club property lessee. Surface water diversions have largely occurred during the non-growing season to attract waterfowl.

Soils within the Bank are classified according to the NRCS Soil Survey (Adams County, October, 1974) as wet alluvial, loamy alluvium, Vona sandy loam, Vona loamy sand, and Ascalon sandy loam.

some / lots wet during site visit 5/25/10

The Phase II area has a planned size of approximately 20.8 acres. It consists of three distinct pieces of land that are directly adjacent to and surround the Phase I existing wetland (Figure 3): Area 1 (1.5 acres), Area 2 (9.1 acres) and Area 3 (10.2 acres).

Area 1, situated on the west side of Phase I, is 1.5 acres in size and was originally developed as part of Phase I. The entire piece was planted with willow seedlings in 2000. In 2002, the area was decimated by rodents that chewed through the root structure of the willows. In addition to killing the willows, burrowing from the rodents disturbed the soils and a strong crop of thistle and other weeds resulted. The area was treated for weeds and reseeded thereafter. As of 2005, when the Phase I work was verified for meeting the final performance criteria, this area was not included since weeds continued to dominate. The Bank Sponsor has continued with weed control work since 2005 and requests that this area be included in the Phase II work being proposed.

Area 2 is 9.1 acres and located on the north end of Phase I. The entire area is currently in alfalfa production.

area 3 very wet. need JD

Area 3 is 10.2 acres and lies to the south of Phase I. All of this area currently supports pasture grasses. Roughly half lies inside of the electric fence that delineates Phase I; the other half lies outside of the fence and is subject to grazing by cattle.

C. Proposed Conditions

Area 1 was reseeded in 2003 and has been subject to annual weed treatments since that time. It is likely close to meeting the jurisdictional criteria for a wetland,

therefore no additional work other than continued weed control is proposed. The resulting wetland types will include wet and moist meadow.

Area 2 will be graded as a shallow depression roughly one-half foot below the grade of the adjacent Phase I wetland. The bulk of the area will be designed to support wet and moist meadow habitat. The east and northern edge of the area where it borders the Beebe and the outlet channel from Phase I will be vegetated with trees and shrubs to create a riparian habitat type.

Area 3 will also be graded as a shallow depression one-half foot below the grade of the adjacent portion of Phase I. Willows will be planted at the western end to increase the size of the existing willow zone. The remainder of the area will be designed to support moist and wet meadow types.

Hydrologic support will be in the form of shallow flooding from the same water source that feeds Phase I. A surface water diversion from the Beebe Draw delivers water to the wetland complex at the west end. A low level impoundment located at the east end of the complex controls water elevations in the wetland. The outlet structure can be operated to increase or decrease the surface water level in the complex as needed for initial establishment, special maintenance activities, or to maintain normal operating conditions. Consistent with the Bank's goals and objectives, the arrangement of water structures elevates the local groundwater table, delivers surface flows from the Beebe Draw, and creates the opportunity for improved water quality benefits through short-term water detention.

Both Areas 2 and 3 will require the removal of material to match the design grades. They will be graded as very shallow depressions with the deepest portions in the center at one-half foot below the grade of the adjacent wetland. Excavated material will be hauled to an upland location, recontoured, and reseeded with native pasture grasses.

Prior to flooding, the soil will be disked, and tilled to create a suitable substrate for planting. A combination of nursery-raised vegetation and seeding will be used to establish the initial plant cover. Only native species of vegetation will be used. Overly-aggressive native species such as *Typha* will be avoided in intentional plantings and seeding.

The existing electric fence will be relocated and expanded as necessary to encircle both Phase I and II.

All of the wetland to be created can be classified according to Cowardin et.al.,1979, as follows:

System: Palustrine
Subsystem: None
Classes: Emergent Wetland, Scrub-Shrub, Forested Wetland
Subclasses: Persistent, Deciduous, and Broad-leaved Deciduous

The wetland types can be further categorized as follows:

Water Regime Modifier:
saturated (saturated at or near surface) – moist meadow (x.x acres), willow (x.x acres), riparian (x.x acres, xx lineal feet)
seasonally flooded (0" to 6" inundation) – wet meadow (x.x acres)

These wetland types represent the significant majority of those that occur locally and within the ecoregion, as per the stated goals and objectives of the Bank.

D. Ecological Suitability

The Mile High Lakes region is an important aquatic resource for the Beebe Draw basin, the South Platte watershed, and the Central (Rocky Mountain/Great Plains) flyway. The complex of open water and wetlands is perhaps the largest remaining along the Beebe Draw. Much of the historic wetland acreage that occurred along the Draw, documented on old USGS maps, has been drained and converted through agricultural activities. The region is also located in a key position to accept and treat stormwater and flood flows generated in the drainage basin, as well as polluted surface waters generated in the Denver Metro area and delivered through the Barr/Milton system. Historic use of the Mile High Lakes region by migratory and resident birds is extremely well documented (nearly 100 years of record) by the Colorado Natural History Museum that operated a field station at Barr Lake. Although numbers and diversity of bird usage has declined over the century, due in large part to impacts in other regions along the flyway, the area is still utilized by a wide variety of species.

The Phase II project will essentially provide additional wetland acreage that can increase the functionality of the Mile High Lakes region in several respects. Planned wetland functions are identified as follows (functions are from the "Functional Assessment of Colorado Wetlands Methods" CDOT, 2009):

- *Support of characteristic wildlife habitat.* Development of Phase II will effectively increase the overall size of the wetlands available in the region for wildlife use. The inclusion of four basic habitat types (wet meadow, moist meadow, willow scrub/shrub, and riparian) adds the structural diversity that support niches. More niches are potentially available as habitat layering occurs, thus greater numbers in wildlife species that will use the wetlands is expected. The presence of seasonal and/or perennial standing water is also highly beneficial to both waterfowl and wildlife that may utilize the corridor area for fulfilling their life requisites.

- *Flood attenuation.* Urbanization in the watershed is rapidly increasing stormwater runoff volumes. The Beebe Canal captures and conveys stormwater generated in the drainage basin and the Phase II wetlands are

situated directly adjacent to the Beebe in the 100-year floodplain. The introduction of willows and riparian trees and shrubs will increase the roughness factor of the floodplain, thus providing some benefit in slowing flood water as it moves through the floodplain.

- *Short- and long-term water storage.* Water enters the Beebe Draw alluvial basin as subsurface seepage and surface flows generated from overland runoff in the watershed. The runoff component is intercepted by the wetlands. This filtered and stored water moves vertically from the wetland to the underlying groundwater aquifer. The aquifer is several hundred feet deep and full of alluvial transported material. The City of Brighton and the East Cherry Creek Valley Water and Sanitation District currently withdraw drinking water supplies from the Beebe Draw aquifer within one mile of the planned wetlands. The Beebe Draw has been identified by several sources as a likely candidate for storing and supplying future potable water for the growing needs of the Denver Metro Area.

- *Water quality.* The design of the Phase II wetland is similar to and an extension of Phase I as a physical depression that detains water. Water quality benefits of the Phase I wetland were studied for a two-year period in conjunction with the Colorado Division of Wildlife. The wetland proved to be highly effective in the assimilation and transformation of nutrients and heavy metals. Average detention time was calculated at seven days, an often reported optimum value for realizing water quality benefits. Flows diverted from the Beebe and into the wetland will continue to benefit from water quality improvement as they flow through and are treated by the wetland system. In particular, external nutrients generated in the Denver Metro area and diverted through the surface water system will be treated by the wetland (at least in part) which should result in direct water quality benefits to Milton Reservoir and other downstream waters. Improvement will be gained in the watershed through generalized filtration and treatment of groundwater and stormflows.

- *Sediment retention.* Sediment is a significant component of urbanized stormwater runoff. The increase in wetland acreage will provide greater capacity for filtering and immobilizing sediment.

- *Production/food web support.* The Phase II wetland will add significant vegetated areas for forage plant production, wildlife prey production, and particulate and organic matter production. The organic matter is readily transported out of the wetland, through the overflow control, back to the Beebe Draw where it is transported to benefit downstream waters.

E. Water Rights Considerations

Water rights for Phase II will be conveyed from the Farmers Reservoir and Irrigation Company (FRICO) to Mile High Wetlands Group along with the underlying property upon complete execution of the banking instrument. The property and associated water rights are part of the Bowles Reservoir #1, with water storage rights, per the Bowles Reservoir No. 1 decree adjudicated 8/2/1918 in case no. 54658 with a priority date of 1/30/1907, administrative no. 20848.00000. This decree can be satisfied from direct diversion from the South Platte River at the Burlington headgate on its own priority, but in all its history has been fully satisfied by groundwater seepage from Barr Lake and surface water releases from Barr in to the Beebe Draw.

Barr Lake has numerous priorities awarded to it, the most senior being the Oasis decree with a priority date of 1885 for a storage amount of 11,000 acre feet plus lake seepage and evaporation. Other priorities awarded to the FRICO Barr Lake division equate to an average annual diversion into the Barr Lake system in excess of 110,000 acre feet. The Oasis decree is the most senior storage right on the South Platte River.

The Phase I wetlands have been operated under the Bowles Reservoir #1 decree without incident or lack of physical water for the period 2000 to present. The Phase II wetlands will operate under the same decree with the same unit of water delivered per surface acre of wetland as has been delivered since 2000.

F. Qualifications of Bank Sponsor

Mile High Wetlands Group, LLC (MHWG) is a limited liability company with two members; Laurie Rink as an individual and Professional Wetland Scientist (certification #000877), and FRICO as a corporation. MHWG is the Bank Sponsor of the Mile High Wetlands Bank and has a demonstrated track history through its operations since 1999.

MHWG developed and initiated implementation of the Bank in 1999 when the original bank instrument was executed. Phase I was built in 2000 and had met its final performance standards by spring of 2005, as expected. The Bank was essentially built as designed with the full amount of credits awarded as originally planned. Adaptive implementation techniques were utilized successfully during the establishment period. Several lessons were learned that can be applied to Phase II.

The Bank Sponsor feels confident in its technical, financial and managerial ability to successfully expand the wetlands into a Phase II project.

G. Construction Implementation

Within Phase II, Areas 1 and 2 will be developed first, within one year following execution of the Bank Instrument. It is anticipated that Area 3 will be constructed two to three years following Areas 1 and 2.

V. CREDITING AND DEBITING PROCEDURE

A. Assessing Eligibility for Impacts

Credits will generally be made available to any private or public sector individual, organization, agency, or entity that is seeking mitigation credits as authorized by a Section 404 permit. All authorized projects associated with Nationwide, Regional General, or Individual permits can qualify for credit purchase from the Bank, subject to Corps approval and compliance with the 404.b(1) guidelines, as applicable.

The Corps will determine which types of wetland impacts are suitable for withdrawal of credits from the Bank. It is suggested that all Palustrine type impacts (including all classes and subclasses within this System) be considered appropriate for credit withdrawal since the Bank will contain all highly functional Palustrine wetland types. It is further suggested that Lacustrine wetland types be considered, on a case-by-case basis, for credit withdrawal at the Bank where it can be reasonably demonstrated that the net functional gain by applying Bank credits will be equal to or greater than anticipated gains from other mitigation alternatives.

B. Assessing Eligibility for Credits

Bank credits will become available for debiting according to the schedule listed below.

MILESTONE ACHIEVEMENT	CREDITS AVAILABLE
Signing of Bank Instrument	30% of improved acreage
Completion of Hydrologic Improvements	20% of improved acreage
Completion of Vegetative Improvements	25% of improved acreage
Achievement of 1987 Jurisdictional Wetland Criteria	25% of improved acreage

The definitions for the milestones cited above are as follows:

Signing of Bank Instrument. All parties to the bank instrument have signed and dated the document and the original has been returned to the U.S. Army Corps of Engineers office as part of the permanent record.

Completion of Hydrologic Improvements. The construction of all structural improvements for water delivery and control are in place and operational. Visual and piezometric evidence of the achievement of design water elevation (surface or groundwater) can be furnished by the Bank Sponsor.

Completion of Vegetative Improvements. The planting plan as described in the approved text and drawings is fully executed and the plant material has demonstrated post-installation viability. The planting plan may include any or all of the following: plug installation, woody material installation, seeding, and mulching. Post-installation viability is defined as: 1) a minimum of 35% aerial coverage, on average, comprised of either plugs, seedlings, or a combination, and 2) a minimum of 75% of the actual cover must be representative of what was planted and seeded.

Achievement of 1987 Jurisdictional Wetland Criteria. The following indicators will be used to define achievement:

- Vegetation: At least 50% of the dominant species will consist of species rated as facultative, facultative-wet, and/or obligate, according to ratings reported in the "National List of Plant Species that Occur in Wetland: Central Plains Region 5" (Reed 1988). Non-native, volunteer wetland species will not comprise more than 20% of the total cover. Noxious weeds as defined by the state will be visibly under control.
- Hydrology: The wetland will exhibit a sustaining wetland hydrology which meets the minimum requirements for saturation within 12" of the ground surface for at least 14 consecutive days during the growing season.
- Soils: Evidence of an aquic moisture regime, inferred through the presence of surface or near-surface groundwater.

C. Crediting Ratios

On the basis of "no net loss", each acre of wetland created at the Bank can be considered equivalent to one acre of wetland impacted within the Bank's primary service area. If the Corps requires a Section 404 applicant to mitigate on a one to one ratio (defined here as one acre of mitigation for each acre of impact), then the applicant could purchase one acre of wetland from the Bank to fulfill their mitigation requirements. The Corps intends to utilize the "Functional Assessment of Colorado Wetlands Method" (FACWet) (CDOT 2009) to assist in the mitigation decision making process, so it may be that case-specific mitigation ratios based on functional evaluation will be determined by the Corps.

Outside of the Bank's primary service area but within the secondary service area, one and one-half acres of created wetland at the Bank will be considered equivalent to one acre of wetland impacted. The Corps may approve the trading of credits at the Bank for impacts outside of both the primary and secondary service areas. In this case, the ratios of mitigation to impact will be determined solely by the Corps.

D. Accounting Procedures

The Bank Sponsor will assume responsibility for tracking credits as per: 1) the tabled schedule of availability, versus 2) the actual number sold or available. The Master Accounting Ledger will be maintained by the Bank Sponsor. An updated copy of the ledger will be made available to the IRT after each sale transaction completed by the Bank Sponsor.

VI. OWNERSHIP ARRANGEMENTS

Prior to construction the Bank Sponsor shall receive from FRICO, the present fee owner of the Phase II area, title to the underlying real property and appurtenant water rights sufficient to ensure the perpetual viability of the Bank. Copies of the title(s) shall be furnished to the MBRT prior to construction. During the period extending from construction through Bank closure, the Bank Sponsor agrees to not use, or authorize for use, any improved areas within the Bank for any purpose which interferes or conflicts with the its conservation purposes, other than those specified herein.

VII. BANK CLOSURE AND LONG TERM MANAGEMENT

A. Conservation Easement

Upon completion of the monitoring/maintenance requirements for Phase II and the sale of all possible credits, a conservation easement will be placed on the property with enforcement of the easement conditions transferred to the Bromley Park Metropolitan District (hereafter referred to as "District"). The District will be responsible for overseeing the long-term stewardship of the property consistent with the original goals and objectives for the Bank and the terms of the conservation easement. No active management of the wetlands by the District will be required as the wetlands are designed to be self-sufficient. The following provisions will be incorporated in concept in the easement document:

- the easement property(ies) will be managed in their existing state as wetland open space in perpetuity;

- no property improvements will be allowed to occur that would directly or indirectly interfere with the continued existence of the wetland in its exist state;
- public access will be controlled and generally limited to the perimeter areas of the easement – no public access will be allowed to conflict with the stated functions of the wetland improvements – any public access that is contemplated in the future must first be reviewed by the IRT; and
- private access by the landowner, conservation easement holder, maintenance easement holders, and agreed upon leases is allowable.

A maintenance easement will be granted to FRICO corresponding with the Beebe Canal and attendant water control features. FRICO will guarantee continued and sufficient water delivery to the easement property and will continue to assume full responsibility for the perpetual maintenance of all water delivery and control structures associated with the wetland improvements.

The underlying property owner will be responsible for noxious weed control on the property.

A draft form of conservation easement was agreed to for Phase I of the Bank. It was further agreed that final details associated with the conservation easement document would be reviewed and approved by the MBRT (now IRT) prior to the easement's final conveyance. Phase I wetlands are not yet under easement as there are outstanding credits yet to sell. However, it is intended that the same form of easement that is ultimately agreed upon be used for both the Phase I and II wetlands.

The Bank Sponsor will assume responsibility for and continue to maintain the Phase II area during any period that may ensue between completion of the monitoring/maintenance requirements and the filing of the conservation easement.

B. Future Uses of the Bank Site

Controlled access at or around the periphery of the Bank boundaries may be acceptable if it will not significantly detract from wildlife usage of the site. Controlled public access to the site would be a new use and, as such, would require review and approval by the IRT prior to its implementation.

As with Phase I, managed waterfowl hunting on the site may be allowed to continue subject to restrictions that may be imposed by the conservation easement.

monitoring longer for catheters - (10 yrs)

- functional assessment -